

ARIZONA VETERANS SERVICE COMMISSION

INTERNAL MANAGEMENT POLICY 89-02

SUBJECT: RELEASE OF INFORMATION FROM AVSC RECORDS
(Freedom of Information Act - Privacy Act)

EFFECTIVE DATE: July 13, 1992 (Supersedes 89-02, 4/1/89)

- 1.0 POLICY: It is the policy of the Arizona Veterans Service Commission to deem confidential and privileged all files, records, reports and other papers and documents pertaining to any of our clients.
- 2.0 AUTHORITY: A.R.S. § 41-604, Duties and Powers of the Director.
P. L. 93-579, Privacy Act of 1974.
- 3.0 RESPONSIBILITY: Supervisory personnel shall insure that all employees understand and comply with this policy.
 - 3.1 Division Administrators or Regional Office Leads will be responsible for determining the propriety of releasing information from clients' records.
 - 3.2 Requests for information will be directed to the appropriate Division Administrator or Regional Office Lead for necessary action.
 - 3.3 Any questionable request for disclosure will be referred to the Director.
- 4.0 PROCEDURES:
 - 4.1 Each request for access to or for information from AVSC records must be in writing and will be promptly evaluated and a determination made within ten working days after receipt whether AVSC will comply with the request. If it is determined that a request will not be honored, the Director will be immediately notified so that a proper response can be made to the requester within the ten day period.
 - 4.2 Visitors requesting information from clients' records will be referred to the Division Administrators or Regional Office Leads who will arrange for the release of information when it is determined to be proper.
 - 4.3 Written requests for information received by mail will be forwarded to the appropriate Division Administrator or Regional Office Lead.
 - 4.4 Each Division Administrator or Regional Office Lead will maintain a Freedom of Information Request Log of the following items:

- 4.4.1 Name and address of the requester, date of receipt of request, brief description of request, action taken on request, granted or denied, reason for denial and date of reply to requester.
- 4.4.2 Upon denial of a request, the appropriate Division Administrator or Regional Office Lead will inform the requester in writing of the denial and the reason for denial. The requester will be advised that the denial may be appealed to the Director.
- 4.4.3 The final agency decision in such appeals will be made by the Director. Any appeal of an AVSC decision not to comply with a request shall be decided within twenty working days after receipt of the appeal.
- 4.4.4 The log accounting for all disclosures and letters of denial should be maintained for five years or for the life of the disclosed record, whichever is longer.

5.0 ACCESS:

- 5.1 The principal disclosure law, the Freedom of Information Act, requires that "any reasonable segregable portion of a record shall be provided to any person requesting such record." The Division Administrator or Regional Office Lead must review the record and determine what portion of the record is exempt and AVSC does not wish to disclose.
- 5.2 An individual has a right of access to information concerning himself/herself which AVSC maintains. The exception to this rule would be information which would be injurious to a client's physical or mental health.
- 5.3 The Freedom of Information Act compels the disclosure of agency records to "any person" unless one or more of the exemptions as stated apply to the records.
 - 5.3.1 Names and addresses of clients.
 - 5.3.2 Medical condition and treatment records of clients.
 - 5.3.3 Records pertaining to the internal personnel rules and practices of the Arizona Veterans Service Commission.
 - 5.3.4 AVSC records and documents need not be disclosed if they are "inter-agency or intra-agency" memorandums or letters which would not be available by law to a party other than an agency in litigation with AVSC.
- 5.4 Any information can be released from clients' records and provided to any agency or individual when a client has given written


authorization. Clients who have a guardian appointed by the courts must have the signature of the guardian in order to release information.

- 5.5 Information can be released to criminal or civil law enforcement agencies which have made a written request when the release is necessary for the protection of public health or safety.
- 5.6 Information will not be released from clients' records if disclosure would constitute an unwarranted invasion of personal privacy.
- 5.7 Access to records are authorized to AVSC personnel without written consent of the client if it is recognized that this is required to discharge their duties.
- 5.8 The Director may authorize release of information from a client's records to any individual, agency, etc., when he determines that this action would not constitute a violation of the client's privacy.

6.0 FEES:

- 6.1 The search services for which a requester may be charged includes time spent by AVSC personnel in examining records in order to determine which records are within the scope of the requests. Search fees are assessable even when requested information is not found.
- 6.2 The Arizona Veterans Service Commission will produce documents without charge or at a reduced fee when AVSC determines that doing so is in the "public interest" because furnishing the information can be considered as "primarily benefiting the general public."
- 6.3 The schedule of fees for photocopy reproduction from all types of copying processes will be \$0.05 for each reproduction. Searching fee is \$4.45 per hour. No fee shall be charged for the first hour or fraction thereof.

- 7.0 IMPLEMENTATION: This policy shall be implemented without change on the effective date.


Norman O. Gallion
Director

Attachments: Forwarding of Letter to Client
Written Disclosure Consent
Request for Information
Freedom of Information Request Log
Release of Information from Client's Records

Enclosed is a copy of a request that we disclose information from records we hold concerning you.

The Privacy Act of 1974 (Public Law 93-579) requires that we obtain your written consent prior to this disclosure. Please indicate below whether or not you consent and return one copy of this letter to us. An envelope requiring no postage is enclosed for your use.

Sincerely,

Enclosures

☐ I consent to the requested disclosure.

☐ I do not consent to the requested disclosure.

We are sorry we cannot send you the address of _____.
We are not permitted to furnish you this type of information.

We can, however, under certain conditions address an envelope for you and mail your letter to this person. We cannot forward a letter to aid in the collection of a debt, to canvass or harass the recipient, or to spread propaganda. Also, we cannot forward a letter if the contents could be harmful to the physical or mental health of the recipient.

If you wish us to mail a letter for you, place it in an unsealed stamped envelope with no return address and send it to us. Be sure to show on the unsealed envelope the name of the person for whom the letter is intended. Please return a copy of this letter with your communication for identification purposes.

Sincerely,

The information checked below is furnished in response to your recent request under the Privacy Act.

- ☐ You may review your record at the following time and place. Bring with you an item of personal identification such as a driver's license. If you wish to review the record in the presence of another person, you will be asked to sign a statement authorizing discussion of the record in the presence of the accompanying person.

DATE AND TIME:

PLACE:

- ☐ We are enclosing a copy of the information you requested.
- ☐ The copies requested may not be released without a charge of \$. We will send them upon receipt of a check for this amount. Make your check payable to Arizona Veterans Service Commission and mail it, along with this letter, to the above address.
- ☐ The system of records named by you does contain a record retrievable by your name.
- ☐ The system of records named by you does not contain a record retrievable by your name.

Sincerely,

FREEDOM OF INFORMATION REQUEST LOG

[illegible]

REQUEST FOR AND CONSENT TO RELEASE OF INFORMATION FROM CLIENT'S RECORDS

NOTE - The execution of this form does not authorize the release of information other than that specifically enumerated herein.

TO

Arizona Veterans Service Commission

NAME OF CLIENT (Type or Print)

CLAIM NO.

C-

SOCIAL SECURITY NO.

NAME AND ADDRESS OF ORGANIZATION, AGENCY, OR INDIVIDUAL TO WHOM INFORMATION IS TO BE RELEASED

CLIENT'S REQUEST

I hereby request and authorize the Arizona Veterans Service Commission to release the following information, from the records identified above, to the organization, agency, or individual named hereon:

INFORMATION REQUESTED (Number each item requested and give the dates or approximate dates - period from and to - covered by each.)

PURPOSES FOR WHICH THE INFORMATION IS TO BE USED

NOTE.- Additional items of information desired may be listed on the reverse hereof.

DATE

SIGNATURE AND ADDRESS OF CLAIMANT, OR FIDUCIARY, IF CLAIMANT IS INCOMPETENT